IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

THURSDAY, THE 30TH NOVEMBER 2006 / 9TH AGRAHAYANA 1928

Crl.Rev.Pet.No. 4244 of 2006(E)

CRA.141/2006 of SESSIONS COURT, KOTTAYAM
CC.1918/2002 of JUDL.MAGISTRATE OF FIRST CLASS-III, KOTTAYAM

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REVN. PETITIONER/APPELLANT/ACCUSED:

BIJU V. MATHEW,
VADAKKETHARA HOUSE,
PULLAD P.O., THIRUVALLA.

BY ADV. SRI.ARUN.B.VARGHESE

RESPONDENTS/RESPONDENTS/ COMPLAINANT & STATE:

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1. THE RASHTRA DEEPIKA LTD.,
DEEPIKA BUILDINGS, KOTTAYAM – 686 001,
REPRESENTED BY ITS CIRCULATION INSPECTOR
AND THE POWER OF ATTORNEY HOLDER V.P. THOMAS.

2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

R1 BY ADV. SRI.J.JULIAN XAVIER
R2 BY PUBLIC PROSECUTOR ADV. SHRI KAMMAPPU.

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 30/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.T. SANKARAN, J.

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CRL. R.P. 4244 OF 2006

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Dated this the 30th November , 2006

O R D E R

The petitioner was convicted for the offence under section 138 of the Negotiable Instruments Act and he was sentenced to undergo simple imprisonment for a period of one month . He was also directed to pay compensation of Rs. 30,000/- to the complainant under section 357 (3) of the Code of Criminal Procedure and in default, to undergo simple imprisonment for a further period of one month. On appeal, the appellate court confirmed the conviction, but the sentence of imprisonment is reduced to imprisonment till the rising of the court. The direction to pay compensation was confirmed, but the default sentence was enhanced to three months.

2. Crl.M.A.No.12271 of 2006 has been filed by the petitioner/accused and the first respondent/ complainant stating that the matter is settled. That application was allowed.

In the result, the Crl. Revision Petition is allowed. The conviction and sentence imposed on the petitioner are set aside and the petitioner is acquitted under section 320(8) of the Code of Criminal Procedure.

K.T. SANKARAN,
JUDGE.

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K.T. SANKARAN, J.

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CRL. M.A.No. 12271 OF 2006
IN CRL. R.P. 4244 OF 2006

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Dated this the 30th November , 2006

O R D E R

This is an application filed under section 147 of the Negotiable Instruments Act seeking permission to compound the offence under section 138 of the Negotiable Instruments Act. It is stated that the dispute between the parties is settled and the amount covered by the cheque has been paid to the first respondent/ complainant. The application is signed by the first respondent /complainant as well as the revision petitioner/accused and their counsel. The application is allowed.

K.T. SANKARAN,
JUDGE.

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